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MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC 12010 SUNSET HILLS ROAD SUITE 900 RESTON, VA 20190			BAYERL, RAYMOND J	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/007,207

Applicant(s)

SHUPING ET AL.

Examiner

Raymond J. Bayerl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1 6) ☐ Other:

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1. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

The Examiner notes that in the declaration filed 7 March 2002 that applicant lists several related applications as forming the basis "for benefit under 35 U.S.C. 120"—SNs 09/498,079, 09/985,415, PCT/US01/03360.

However, it is first noted that the present application is not copending with the '079 application, and thus, it cannot provide priority under Section 120 nor be claimed as a direct parent to the present application.

Then, while applicant indicates at page 1 of the disclosure that the '415 application is "related", there is no indication that an actual continuing filing is represented by the present application (e.g., is the present application intended as a continuation-in-part of the '415 application, as it generally appears to be?).

Finally, the disclosure indicates that the present application "claims priority to" the '360 PCT application. However, if continuity under Section 120 is desired, the reference back to the '360 PCT application would have to be specifically stated (e.g., "this is a continuation of...").

Clarification of the disclosure, when taken in view of the declaration, would be sincerely appreciated.

2. Claims 9 – 13 are objected to because of the following:

It is standard and accepted practice in claims drafting before the US PTO to include a transitional word such as "comprising", where it appears to be missing at line 1

of claim 9 (A method for browsing web pages [comprising?]: ...). Appropriate correction is required.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 34 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "said third panel" does not find clear antecedent basis in parent claim 32 as indicated. The "third panel" is only first seen in non-parent claim 33.

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

6. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

7. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8.a. Claims 1 – 3, 20 – 21, 26 – 29, 31 – 32 are rejected under the judicially created doctrine of double patenting over claims 1 - 41 of U. S. Patent No. 6,313,855 B1 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

8.b. Claims 1 – 3, 20 – 21, 26 – 29, 31 – 32 are also provisionally rejected under the judicially created doctrine of double patenting over claims 1 – 68 of copending Application No. 09/985,415. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the '855 patent and '415 application and is covered by each, since they are claiming common subject matter, as follows: a web-browsing arrangement is such that plural display regions carry plurally-rendered web-pages that are linked to one another. Various details include the progression from one display to another with the selection of a link, the embodiment within a three-dimensional environment, and the use of plural browser instances to display the associated pages.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

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9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 1, 3, 6, 9 – 11, 14 – 16, 20 – 21, 26 – 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over International Publication WO 97/29414 to AT & T Corp. ("AT & T") in view of Bukszar et al. ("Bukszar"; US #6,133,916).

As in independent claim 1's "method for browsing web pages" (see also independent claims 20, 31), AT & T's METHOD AND APPARATUS FOR PASSIVELY BROWSING THE INTERNET displays images from web pages on a user's display screen (Abstract). Therefore, "receiving first web page data including a plurality of references" (claim 21) takes place in obtaining related images: a group of web images

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that may be based on the currently displayed page of an active web browser (page 10, line 34 – page 11, line 3) are accessed. Notably in AT & T, web pages corresponding to links appearing on the web pages entered by the user are retrieved (page 18, lines 5 – 26), as in “automatically requesting web page data associated with said subset of said plurality of references”. AT & T’s web page images appear as “a first” and “a second panel”, as shown in figs 1, 2.

AT & T’s procedure for showing plural, related web page imagery is principally concerned with displaying images from web pages, and while AT & T’s currently displayed web page uses data that directly reads upon that used in claim 1’s “rendering a first web page”, “rendering additional web pages” (as distinguished from displaying only images from such a page) is not **explicitly** taught by AT & T.

However, it was known in the art at the time of applicant’s invention to use entire “web page” images from a related series of such pages in a composite display, as in Bukszar, where [a]t least one **graphical representation of a file** stored in the cache is displayed in a display region of the graphical user interface (Abstract). The Bukszar files may be HTML web pages, downloaded from a server over a network, such as the Internet. Fig 4 shows an example in Bukszar of representations 46A – 46E of a miniature of a page of data in the file (col 2, lines 7 – 23).

Thus, it would have been obvious to a person having ordinary skill in the art at the time of applicant’s invention to modify the montage arrangement of AT & T, where linked “web page” imagery is jointly displayed, to use the graphical representation of an entire “web page” as per Bukszar, the motivation being to create a fuller representation

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in the browser view of the overall context of history that is produced in the AT & T linked page view.

AT & T appears to use unmodified images from web pages, rather than the “thumbnail image” recited in claims 3, 14, 15. However, this is the result of the modification to use the miniature version found in the page representations of Bukszar. In such a case, the user is still given a useful hint of what the page in the series contains.

As per claim 6’s “subset of said plurality of references” that is “a user selected reference”, while AT & T allow initial access of information from a current and linked-to set of pages, calling forth “user selected” “references” is not **explicitly** disclosed.

However, Bukszar, in permitting a user to select **favorite** web pages to store in the cache and represent as graphical representations (col 4, lines 14 – 25), allows the cached page to be displayed in the content area 42 of fig 4. This is a direct result of “user” activity, in the form of **favorite** selection.

Thus, it would also have been obvious to the person having ordinary skill in the art to call a main page and linked-to pages as per AT & T by means of a favorite menu as per Bukszar, the motivation being the incorporation of an ability to achieve ready access to the position in AT & T that the user may determine to be particularly important.

Bukszar’s ability to include user-determined choices for a “panel”-based browsing output in combination with AT & T then suggests the independent claim 9 “rendering” of a “first web page” and web pages for a “plurality of user selectable references” (see also



independent claim 16). The “second panel” of AT & T will then contain the full “web page” representation as per Bukszar, as in claim 10 (or, indeed, “a separate second panel” as in claim 11).

The related “web page” contents supplied by AT & T are disclosed as resulting from general-purpose browsing, and thus may be “from a single web site” (claim 26) or “separate web sites” (claim 27). In specifying the final montage layout, “positioning” is indicated for the “second panel” (claim 28).

Independent claim 29’s “displaying content” via “a plurality of panels” is also suggested by AT & T’s montage, when modified by Bukszar to “render said web page in one of the plurality of panels”. The linked-to pages of AT & T are “associated with a current web page requested by the user” (claim 30).

Independent claim 32’s use of a “first” and “second panel” for “first web page” and those indicated “via a reference provided by a host” reads upon the multi-panel montage of AT & T, where the “host” is the source of “web page” data, when modified so that “a second web page” is “rendered”, as in Bukszar.

8. Claims 17 - 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over AT & T in view of Bukszar and Card et al. (“Card”; US #5,838,326).

AT & T is **explicitly** disclosed as generating a 2-dimensional montage display for linked “web page” information images as is Bukszar, and these are not shown as “a room in a three-dimensional space, said room having a first wall, a second wall, and a third wall” as in independent claim 17.

However, Card clearly shows that it was known in the art to create such a spatial array of document objects in a three dimensional document workspace. Fig 2a shows the use of three “wall” locations for Document Object 201 and 202a, 202b. Card also specifically contemplates that web page items might appear at the focus (“current”), bookcase (“future”), and tiers (“past”; col 6, line 62 – col 7, line 39).

Thus, it would have been still further obvious to the person having ordinary skill in the art at the time of applicant’s invention to produce a “three-dimensional” distribution of document objects as per Card to represent the linked “web page” displays as per AT & T/Bukszar, the motivation being to make the information more intuitively accessible to the user, who must comprehend a number of related representations at one time.

The Card “room” is clearly “navigable in said three-dimensional space” (claim 18), and as a user progresses from one document to another, a “third wall” “future” item can be moved to a “second wall” “current” location (claim 19), by taking something from the bookcase and moving it to the focus

9. Claims 4 – 5, 7 – 8, 22 – 25, 33 – 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over AT & T in view of Bukszar and MacNaughton et al. (“MacNaughton”; US #6,433,795 B1).

While “additional web pages” may be called in the AT & T/Bukszar combination through either the links embodied in an original page (AT & T) or the user (Bukszar, with bookmarked favorites), these two references alone do not extend to the point of obtaining such “references” from “a prioritized list” obtained with “said first web page

data", as in claims 4, 5, 7, 23, 24 nor the sourcing from "a third party" (claim 8) or "independently from said current web page data" (claim 22).

However, it was known in the art, as seen in MacNaughton's SYSTEM FOR INTEGRATING AN ON-LINE SERVICE COMMUNITY WITH A FOREIGN SERVICE, to link a "web page" to other content depictions that are sourced from secondarily-derived "references", since MacNaughton's disclosure is of coupling related on-line service displays with relevant locations in the Internet World Wide Web (Abstract). Please note in MacNaughton's fig 6 the way that the WEB HEADS – COMMUNITY is associated with the compuserve.com site appearing in the Explorer browser (see also col 23, lines 12 – 51).

Therefore, it would also have been obvious to the person having ordinary skill in the art to link the "web page" "panel" objects as seen in the AT & T/Bukszar combination by "references" found in places other than the content of the "web page" or user selection, using MacNaughton's technique of INTEGRATING related-but-disparate content. The motivation rests in the type of user environment that each of AT & T and Bukszar are involved with, where anything to assist the user's browsing experience will be a benefit, as in having the additional direction of MacNaughton.

In MacNaughton, then, "content similar to content included in said current web page" appears (claims 25, 37, 38), when the affinity-group-specific pages are seen in the COMMUNITY panel. MacNaughton's ON-LINE SERVICE adaptability extends to the typical mode of "advertising" (claim 33) that is seen in such settings, and this would ordinarily need to "be displayed in said first panel" (claim 34) in a single browser

implementation. The "web site owner" in MacNaughton may attach the related material in this way (claim 35), and will then be "a network manager" (claim 36).

10. Claims 2, 12, 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2, 12, 13 limit the claimed invention to one in which web pages related by hyperlinks or contained references within the web page to another page are displayed in at least a first and second "web browsing engine". These define over the prior art that is now made of record.

The montage of AT & T, while obtaining plural images from a current web page and linked-to pages does not fairly suggest that plural "browsing engines" are used in creating the display; at best a single such "engine" successively obtains the related data. Bukszar, while showing complete pages and thus "panel" displays *per se* of pages, still does not extend to a plurality of "engine" instances achieving this purpose.

The typical feature of prior art web browsing applications such as Netscape 3.0 was that plural "browsing engine" instances could indeed be opened in addition to an original page in a first instance, but the instances thus spawned remain independent, and not constrained to follow the relationship established by a predecessor page.

Wynn et al. (US #6,493,000 B1) is then relevant because of the disclosure of such a spawned page in direct relation to a linkage found in a first page. However, the manual selection of links to establish browsers as seen in Wynn et al. does not fairly teach or suggest applicant's claimed arrangement when taken in light of the present

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disclosure, in which the "requesting" is a more automated procedure. Applicant's invention will parse out plural desired links from the first page, without Wynn's level of operator intervention.

The Examiner finally notes the relevance of Cragun (US #6,177,936 B1), in which plural "browsing engine" page windows are related according to a hierarchical structure, this structural relationship being maintained as a given one of the pages within an instance is updated. However, these indicators of locations within an http:// file structure cannot be reasonably interpreted as reading upon at least a "first" and "second browsing engine" instance, as in the sense of applicant's claims 2, 12, 13, since they do not appear to contain the full range of user controls that one finds in such a client tool.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The additional US Patent documents made of record are generally concerned with applicant's topic of linked images that appear within a browsing session.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (703) 305-9789. The examiner can normally be reached on M - F from 10:00 AM to 5:00 PM.


13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703) 308-3116. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (703) 872-9306.

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14. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173

19 August 2004